



**DECLARATION OF CUSTODIAN OF RECORDS
CALIFORNIA FAIR POLITICAL PRACTICES COMMISSION
Enforcement Division**

CERTIFICATION OF RECORDS

The undersigned declares and certifies as follows:

1. I am employed by the California Fair Political Practices Commission (hereafter the "Commission"). My business address is: California Fair Political Practices Commission, 428 J Street, Suite 620, Sacramento, CA 95814.
2. I am a duly authorized custodian of the records maintained by the Commission in the Enforcement Division. I am authorized to certify copies of those records as being true and correct copies of the original records of the case which is in the custody of the Commission.
3. I have reviewed documents maintained in *FPPC Case No. 02/103, No on Measure C and Carol Jansen*, and have caused copies to be made of documents contained therein. I certify that the copies attached hereto are true and correct copies of the documents maintained by the FPPC in that file in the normal course of agency business. The attached documents are as follows:

Exhibit A-1: Proof of Service re Report in Support of a Finding of Probable Cause dated July 26, 2006.

Exhibit A-2: Letter dated July 26, 2006, to James E. Kemp, Esq. and Respondent Jansen regarding probable cause proceedings.

Exhibit A-3: Ex Parte Request for a Finding of Probable Cause dated September 27, 2006.

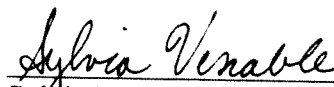
Exhibit A-4: Letter dated September 27, 2006, for notice to Respondent of Ex Parte Request for Finding of Probable Cause dated September 27, 2006.

Exhibit A-5: Order Finding Probable Cause dated September 29, 2006.

Exhibit A-6: Proof of Service for Accusation, and accompanying documents.

Exhibit A-7: Letter from Margaret E. Figeroid dated January 29, 2008, to Respondent Jansen advising of the default proceedings.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on January 29, 2008, at Sacramento, California.


Sylvia Venable



**NO ON MEASURE C AND CAROL JANSEN
FPPC Case No. # 020103**

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento, California. I am over the age of eighteen years and not a party to the above-entitled action; my business address is 428 J Street, Suite 620, Sacramento, California. On this date I served the parties a true and correct copy of the following document(s):

1. Original letter dated July 26, 2006, from Margaret E. Figeroid
2. Copy of Report in Support of Finding Probable Cause, dated July 26, 2006
3. Copy of Document entitled Probable Cause Proceedings

**MANNER OF SERVICE
(CA Code Civ. Proc. § 1013, 1013a)**

(Certified Mail) By placing in a sealed envelope, addressed as indicated below, with postage fully prepaid, and depositing with the U.S. Postal Service, by Certified Mail with a Return Receipt requested. I am familiar with the procedure of the Fair Political Practices Commission for collection and processing of correspondence for mailing with the U.S. Postal Service in the ordinary course of business.

PARTY(IES) SERVED AND ADDRESS:

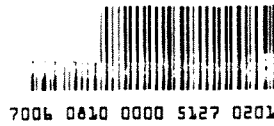
James E. Kemp, Esq.
Law Offices of James E. Kemp
525 University Ave., Suite 410
Palo Alto, CA 94301

Carol Jansen, Treasurer
No on Measure C
575 Hawthorne Avenue
Palo Alto, CA 94301

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this document was executed July 26, 2006, at Sacramento, California.

A handwritten signature in cursive script, appearing to read 'Aaron Pina', written over a horizontal line.
Aaron Pina

FAIR POLITICAL PRACTICES COMMISSION
P.O. Box 807
428 J STREET, SUITE 620
SACRAMENTO, CALIFORNIA 95812-0807



UNITED STATES POSTAGE
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MAILED FROM ZIP CODE
2006 SEP -5 11:10:22



FAIR807 958121503 1706 30 08/30/06
NOTIFY SENDER OF NEW ADDRESS
FAIR POLITICAL PRACTICES
428 J ST STE 45C
SACRAMENTO CA 95814-2328



~~Treasurer~~

C

575 Hawthorne Avenue
Palo Alto, CA 94301

N/L 9/27/06
(100)



| SENDER: COMPLETE THIS SECTION | | COMPLETE THIS SECTION ON DELIVERY | |
|--|--|--|--|
| <ul style="list-style-type: none">Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.Print your name and address on the reverse so that we can return the card to you.Attach this card to the back of the mailpiece, or on the front if space permits. | | <p>A. Signature </p> <p>B. Received by (Printed Name) </p> <p>C. Date of Delivery 07-27-2006</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> | |
| 1. Article Addressed to: James E. Kemp, Esq. Law Offices of James E Kemp 525 University Ave, Suite 410 Palo Alto CA 94301 | | 3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D. | |
| 2. Article Number (Transfer from service label) | | 4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes | |



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

July 26, 2006

Via Certified Mail - Return Receipt Requested and U.S. Mail

James E. Kemp, Esq.
Law Offices of James E. Kemp
525 University Ave., Suite 410
Palo Alto, CA 94301

Carol Jansen, Treasurer
No on Measure C
575 Hawthorne Avenue
Palo Alto, CA 94301

**Re: In the Matter of No on Measure C and Carol Jansen;
FPPC No. 02/103**

Dear Mr. Kemp and Ms. Jansen:

As you are aware, the Fair Political Practices Commission (the "Commission") has an ongoing enforcement matter concerning the No on Measure C committee and its treasurer, Carol Jansen, ("Respondents"), and their activities in connection with the March 5, 2002 East Palo Alto election. I write to advise you of the current status of this matter, and to serve upon Respondents a copy of a Report in Support of a Finding of Probable Cause.

On March 6, 2006, we sent a letter to Ms. Jansen offering to settle this matter for eight violations of the Political Reform Act (the "Act") with an administrative penalty of Thirty Thousand Dollars (\$30,000). We gave a deadline of April 6, 2006, for her to respond to our offer. The purpose of the letter was to advise of the enforcement action, and to attempt to settle this matter informally by way of a stipulated settlement.

In a phone conversation of April 14, 2006, Mr. Kemp advised me that he had recently been retained to represent Ms. Jansen and requested an extension of the April 6, 2006 deadline to May 5, 2006, in order to have sufficient time to review the settlement documents. We sent a letter to Mr. Kemp confirming the extension of time and requesting that he forward a letter of representation indicating whether he was authorized to act as agent for service of process for Ms. Jansen.

After several phone conversations, on June 12, 2006, we made an offer to settle the above referenced matter for Twenty Two Thousand Dollars (\$22,000) for seven violations of the Act. In our telephone conversation of June 21, 2006, Mr. Kemp advised me that Ms. Jansen had concerns

regarding the stipulation and he would contact me in a few days to let me know whether she was willing to accept our offer.

Because you have not contacted us regarding our offer of June 12, 2006, it appears we are unable to resolve this matter informally by a stipulated settlement. Therefore, the Enforcement Division is proceeding with its prosecution of this case. The first step in this process is the preparation of a Report in Support of a Finding of Probable Cause, commonly known as a "probable cause report." This report details Respondents' violations of the Act, and asks the Executive Director of this agency to find that probable cause exists to file an accusation against Respondents with the Office of Administrative Hearings. The required probable cause report for this case is enclosed. Respondents have the opportunity to respond in writing to the probable cause report and to orally present their case to our Executive Director at a probable cause conference held in our offices in Sacramento. Please thoroughly review the enclosed instructions regarding probable cause proceedings.

If Respondents choose to proceed with a probable cause conference, Respondents must directly, or through their attorney, make a written request for one, directed to my attention, on or before 21 days of the date you receive this letter. Thereafter, a probable cause conference will be scheduled in our offices in Sacramento. If I do not receive the written request by that date, a probable cause conference will not be held, and probable cause will be determined based on the enclosed probable cause report and any written response that you submit within 21 days of the date that you receive this letter.

Regardless of whether you request a probable cause conference, you have the right to submit a written response to the probable cause report prior to the time the Executive Director determines whether probable cause exists. That response may contain a summary of evidence, legal arguments, and any mitigating or exculpatory information either of you may wish to bring to the attention of the Executive Director. ***If you wish to submit a written response, it must be filed with the Executive Director no later than 21 days following the date you were served with the probable cause report.***

If the Executive Director finds that there is probable cause to believe Ms. Jansen and the No on Measure C committee violated the Act, a public accusation will issue pursuant to section 83116 of the Government Code, and the matter will proceed through the administrative hearing process. Following a hearing on the matter, the Administrative Law Judge will issue a proposed decision for approval or rejection by the Commission.

Pursuant to my telephone conversation of July 20, 2006, with Mr. Kemp, since I have not received a letter of representation and notification that Mr. Kemp is authorized to accept service on behalf of the above-named Respondents relative to the above-referenced matter, I am serving a copy of the Report in Support of a Finding of Probable Cause on each of you.

James Kemp
Carol Jansen
July 26, 2006
Page 3 of 3

If you have any questions, or wish to discuss or effect settlement of this case, please feel free to contact me at (916) 322-8170.

Sincerely,

A handwritten signature in black ink, appearing to read "Margaret E. Figeroid". The signature is fluid and cursive, with the first name being the most prominent.

Margaret E. Figeroid
Commission Counsel
Enforcement Division

Enclosures

7
1 WILLIAM L. WILLIAMS, JR.
Chief of Enforcement
2 MARGARET E. FIGEROID
Commission Counsel
3 Fair Political Practices Commission
428 J. Street, Suite 620
4 Sacramento, California 95814
Telephone: (916) 322-5660
5 Facsimile: (916) 322-1932

6 Attorneys for Complainant
7

8 BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
9 STATE OF CALIFORNIA
10

11 In the Matter of

FPPC No. 02/103

12
13 NO ON MEASURE C and CAROL JANSEN

14 Respondents.
15

EX PARTE REQUEST FOR A FINDING
OF PROBABLE CAUSE AND AN ORDER
THAT AN ACCUSATION BE PREPARED
AND SERVED
(Gov. Code § 83115.5)

16
17 TO MARK KRAUSSE, EXECUTIVE DIRECTOR OF THE FAIR POLITICAL
18 PRACTICES COMMISSION:

19 Pursuant to section 83115.5 of the Political Reform Act (the "Act"),¹ and regulation 18361.4,
20 Respondents No on Measure C and Carol Jansen were served with a copy of a Report in Support of a
21 Finding of Probable Cause (hereinafter "probable cause report") in the above-entitled matter. The
22 probable cause report (attached to this Request as "Exhibit 1"), was part of a packet of materials,
23 including a cover letter and a fact sheet describing probable cause proceedings, that were sent to
24 Respondents by the Enforcement Division on July 26, 2006, by certified mail, with a return receipt
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26

27 ¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. All statutory
28 references are to the Government Code, unless otherwise indicated. The regulations of the Fair Political Practices
Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory
references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

1 requested, and by U.S. Mail. (The proof of service for the packets is attached to this Request as
2 "Exhibit 2".)

3 On or about September 5, 2006, the Enforcement Division received the original packet of
4 materials sent by certified mail, with return receipt requested, to Respondents No on Measure C and
5 Carol Jansen. The outer envelope of this packet contained the notation from the post office
6 "Returned to Sender" as "Unclaimed." (A copy of the envelope is attached to this Request as
7 "Exhibit 3"). The Enforcement Division contacted the post office, which advised that it made two
8 attempts to deliver the envelope. The first attempt was made on July 27, 2006, and the second on
9 July 28, 2006. In both instances, notices were left for Respondents to claim the packet.
10 Respondents had not responded to the notices as of August 21, 2006, and the post office returned the
11 envelope on that date as unclaimed. The address used for the mailing was the address used by
12 Respondents on their campaign filings. The foregoing facts establish that Respondents No on
13 Measure C and Carol Jansen were served with the packet containing the probable cause report and
14 information regarding these proceedings at their last known address.

15 In the cover letter dated July 26, 2006, that accompanied the probable cause report,
16 Respondents were advised that they could respond in writing to the probable cause report, and orally
17 present their case to the Executive Director at a probable cause conference to be held in Sacramento.
18 Respondents were further advised that in order to have a probable cause conference, they needed to
19 make a written request for one, on or before 21 days of the date they received the probable cause
20 report. Respondents were also advised that if they did not request a probable cause conference, such
21 a conference would not be held, and probable cause would be determined based solely on the
22 probable cause report and any written response that Respondents submitted within 21 days of the
23 date Respondents were served the probable cause report.

24 To date, Respondents have not made a written request for a probable cause conference and
25 have not submitted a written response to the probable cause report.

26 WHEREFORE, the Enforcement Division requests a finding by the Executive Director,
27 based on the contents of the attached probable cause report, that probable cause exists to believe that
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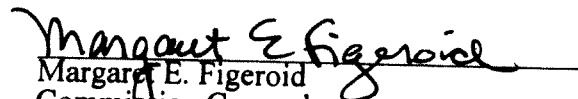
1 Respondents No on Measure C and Carol Jansen committed ten violations of the Act as set forth in
2 the attached probable cause report. The Enforcement Division also requests an order by the
3 Executive Director, after making a finding of probable cause, that an Accusation be prepared against
4 Respondents, pursuant to section 11503, and served upon them forthwith.

5 A copy of this Request was mailed to Respondents on September 27, 2006, at their last
6 known address, as follows:

7
8 Carol Jansen, Treasurer
9 No on Measure C
10 575 Hawthorne Avenue
11 Palo Alto, CA 94301

12 Dated: 9/27/06

13 Respectfully submitted,
14 William L. Williams, Jr.
15 Chief, Enforcement Division

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17 Margaret E. Figeroid
18 Commission Counsel
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FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

September 27, 2006

Via: U.S. Mail

James E. Kemp, Esq.
Law Office of James E. Kemp
525 University Ave., Suite 410
Palo Alto, CA 94301

Carol Jansen, Treasurer
No on Measure C
575 Hawthorne Avenue
Palo Alto, CA 94301

**Re: In the Matter of No on Measure C and Carol Jansen;
FPPC No. 02/103**

Dear Mr. Kemp and Ms. Jansen:

Please find enclosed an Ex Parte Request for a Finding of Probable Cause and an Order that an Accusation be Prepared and Served in the above-referenced matter.

I can be reached at (916) 322-8170 if you have any questions.

Sincerely,

Margaret E. Figeroid
Margaret E. Figeroid
Commission Counsel
Enforcement Division

Enclosure

BEFORE THE FAIR POLITICAL PRACTICES COMMISSION
STATE OF CALIFORNIA

COPY

In the Matter of

FPPC No. 02/103

NO ON MEASURE C and CAROL JANSEN

ORDER FINDING PROBABLE CAUSE

Respondents.

By means of an Ex Parte Request dated September 27, 2006, the Enforcement Division submitted the above-entitled matter to the Executive Director for a determination of probable cause. As set forth in the Ex Parte Request, on August 21, 2006, the Enforcement Division served a Report in Support of a Finding of Probable Cause ("probable cause report") on Respondents No on Measure C and Carol Jansen concerning this matter. Service was made by certified mail, return receipt requested and U. S. Mail. Accompanying the probable cause report was a packet of materials that informed Respondents of the right to file a written response to the probable cause report within 21 days following service of the probable cause report, and to request a probable cause conference. During the 21 days that followed service of the probable cause report, Respondents did not file a response to the probable cause report or request a probable cause conference. To date, Respondents have not filed a response to the probable cause report nor have they requested a probable cause conference. Pursuant to California Code of Regulations title 2, section 18361.4,¹ a determination of probable cause may be made solely on a probable cause report where the respondent does not submit a reply within 21 days of being served with the probable cause report or request that a probable cause conference be held.

In making a probable cause determination, it is the duty of the Executive Director of the Fair Political Practices Commission to determine whether probable cause exists for believing that a

¹ The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations. All regulatory references are to title 2, division 6 of the California Code of Regulations, unless otherwise indicated.

1 respondent has violated the Political Reform Act as alleged by the Enforcement Division in the probable
2 cause report served on the respondent.

3 Probable cause to believe a violation has occurred can be found to exist when "the evidence is
4 sufficient to lead a person of ordinary caution and prudence to believe or entertain a strong suspicion
5 that the proposed respondent(s) committed or caused a violation." (Regulation 18361.4, subdivision
6 (e).)

7 The Probable Cause Report served on Respondents in this matter alleges that ten violations of
8 the Political Reform Act were committed, as follows:

9 COUNT 1: Respondents No on Measure C and Carol Jansen failed to identify
10 Anderson Honda as the sponsor of Respondent Committee, and
11 failed to include Anderson Honda in Respondent Committee's
12 name on its statements of organization filed on or about
13 January 30, 2002, and on or about February 8, 2002, in violation of
14 section 84102, subdivisions (a) and (b).

15 COUNT 2: Respondents No on Measure C and Carol Jansen failed to disclose
16 six contributions totaling approximately \$8,210 in a pre-election
17 campaign statement for the reporting period from January 1, 2002
18 through February 16, 2002, filed on February 22, 2002, in violation
19 of section 84211, subdivision (f).

20 COUNT 3: Respondents No on Measure C and Carol Jansen failed to disclose
21 occupation and employer information for four individuals who
22 contributed \$100 or more, totaling approximately \$8,000, in a pre-
23 election campaign statement for the reporting period from
24 January 1, 2002 through February 16, 2002, filed on February 22,
25 2002, in violation of section 84211, subdivision (f).

26 COUNT 4: On or about March 5, 2002, Respondents No on Measure C and
27 Carol Jansen failed to disclose two late contributions totaling
28

1 \$15,000 in a properly filed late contribution report, in violation of
2 section 84203, subdivisions (a) and (b).

3 COUNT 5:

4 Respondents No on Measure C and Carol Jansen failed to disclose
5 occupation and employer information for an individual who
6 contributed \$5,000, in a late contribution report filed on March 6,
7 2002, in violation of section 84203, subdivision (a).

8 COUNT 6:

9 Respondents No on Measure C and Carol Jansen failed to return
10 within 60 days of receipt, five contributions of \$100 or more
11 totaling \$13,000 for which they did not have occupation and
12 employer information, in violation of section 85700.

13 COUNT 7:

14 On campaign statements for the reporting periods from
15 January 1, 2002 through June 30, 2002, Respondents No on
16 Measure C and Carol Jansen failed to report required subvendor
17 information for payments totaling approximately \$9,895 made on
18 behalf of Respondent Committee by Jansen Consulting, in
19 violation of sections 84303 and 84211, subdivision (k).

20 COUNT 8:

21 Respondents No on Measure C and Carol Jansen failed to file a
22 semi-annual campaign statement for the reporting period from
23 February 17, 2002 through June 30, 2002, in violation of section
24 84200, subdivision (a).

25 COUNT 9:

26 Respondents No on Measure C and Carol Jansen failed to file a
27 semi-annual campaign statement for the reporting period from
28 July 1, 2002 through December 31, 2002, in violation of section
84200, subdivision (a).

COUNT 10:

Respondents No on Measure C and Carol Jansen failed to disclose
contributions totaling approximately \$18,191 in semi-annual
campaign statements for the reporting periods from

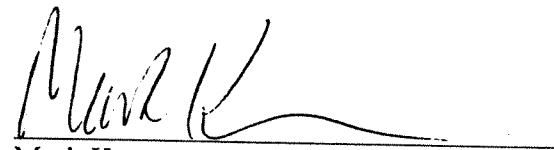
1 February 17, 2002 through December 31, 2002, in violation of
2 section 84211, subdivisions (a), (c), and (f).

3 Based on the Ex Parte Request for a Finding of Probable Cause given to me, I find that notice
4 has been given to Respondents as provided by Government Code section 83115.5 and regulation
5 18361.4, subdivision (b). I further find, based on the probable cause report, that there is probable cause
6 to believe Respondents No on Measure C and Carol Jansen violated the Political Reform Act as alleged
7 in Counts 1 through 10 of the probable cause report.

8 I therefore direct that the Enforcement Division issue an Accusation against Respondents in
9 accordance with this Finding.

10 IT IS SO ORDERED.

11
12 Dated: 9/29/06

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14 Mark Krausse
15 Executive Director
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| | | | |
|---|-------|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (NAME AND ADDRESS) FAIR POLITICAL PRACTICES COMMISSION (916) 322-5660 428 J STREET, # 620 SACRAMENTO, CA 95814 | | TELEPHONE NO. (916) 322-5660 | FOR COURT USE ONLY |
| ATTORNEY FOR (NAME) COMPLAINANT | | REFERENCE NUMBER 0T266685-01 | |
| Insert name of court, judicial district or branch court, if any, and post office and street address OFFICE OF ADMINISTRATIVE HEARINGS, | | | |
| SHORT NAME OF CASE IN THE MATTER OF vs. NO ON MEASURE C & CAROL JANSE | | | |
| PROOF OF SERVICE | DATE: | TIME: | DEPT/DIV: CASE NUMBER: 02103 |

I am and was on the dates herein mentioned over the age of eighteen years and not a party to this action;

I served the:

LETTER DATED 12-12-06; ORDER FINDING PROBABLE CAUSE; ACCUSATION;
STATEMENT TO RESPONDENT AND NOTICE OF HEARING; NOTICE OF DEFENSE

Name: CAROL JANSEN

Date of Delivery: 12/14/06

Time of Delivery: 11:00 am

Place of Service: 575 HAWTHORNE AVE
PALO ALTO, CA 94301

(Business)

Physical Description:

AGE: 50

HAIR: BLOND

HEIGHT: 5'7"

RACE: C

SEX: F

EYES:

WEIGHT: 210LBS

Manner of Service: Personal Service - By Personally Delivering Copies.

Fee for service: \$ 75.00

☒

Registered: . . . SACRAMENTO . . . County,

Number: . . . 2005-05 . . .

Attorney's Diversified Services



I declare under penalty of perjury that the foregoing is true and correct
and that this declaration was executed

on: . . . December 20, 2006 . . .

at: . . . San Francisco . . . , California.

D.

C. N. S.



FAIR POLITICAL PRACTICES COMMISSION

428 J Street • Suite 620 • Sacramento, CA 95814-2329

(916) 322-5660 • Fax (916) 322-0886

December 12, 2006

VIA: PERSONAL SERVICE

Carol Jansen, Treasurer
No on Measure C
575 Hawthorne Avenue
Palo Alto, CA 94301

**Re: In the Matter of No on Measure C and Carol Jansen;
FPPC No. 02/103**

Dear Ms. Jansen:

The Enforcement Division of the Fair Political Practices Commission hereby serves upon you an Accusation and accompanying documents, described in detail below, regarding the above-referenced enforcement action against you.

As you are aware, on September 29, 2006, pursuant to an ex parte request for a finding of probable cause, the Executive Director of this agency issued an order determining that there was probable cause to believe that you, in your capacity as treasurer of the committee known as No on Measure C ("Committee"), violated the Political Reform Act¹ by failing to identify the sponsor of Respondent Committee and failing to include that sponsor's name in Respondent Committee's name in violation of section 84102, subdivisions (a) and (b), failing to disclose contributions in campaign statements in violation of section 84211, subdivisions (a), (c), and (f), failing to disclose required information for certain contributors in violation of sections 84211, subdivision (f) and 84203, subdivision (a), failing to disclose late contributions in a properly filed late contribution report in violation of section 84203, subdivisions (a) and (b), failing to return within 60 days of receipt, contributions of \$100 or more for which you did not have in Respondent Committee's records the contributor's occupation and employer information in violation of section 85700, failing to report required subvendor information in violation of sections 84303 and 84211, subdivision (k), and failing to file semi-annual campaign statements in violation of section 84200, subdivision (a).

¹ The Political Reform Act is contained in Government Code sections 81000 through 91014. The regulations of the Fair Political Practices Commission are contained in sections 18109 through 18997 of title 2 of the California Code of Regulations.


Therefore, in accordance with the California Administrative Procedure Act, please find enclosed with this letter the following documents:

1. Order re Finding of Probable Cause, dated September 29, 2006
2. Accusation, dated November 30, 2006
3. Statement to Respondent and Notice of Hearing
4. Notice of Defense Form (*two copies*)
5. Copy of Government Code sections 11506 through 11508

If you would like to request a hearing on the charges made against you, you must do so by completing the enclosed Notice of Defense, and returning it to the Commission *within 15 days* of receipt of the Accusation. If you do not return the Notice of Defense within 15 days, the Enforcement Division will request that the Commission impose a default decision against you for your violations.

Please contact me at 916-322-8170 if you have any questions about this letter or you wish to effect settlement of this case.

Sincerely,


Margaret E. Figeroid
Commission Counsel
Enforcement Division

Enclosures



FAIR POLITICAL PRACTICES COMMISSION
428 J Street • Suite 620 • Sacramento, CA 95814-2329
(916) 322-5660 • Fax (916) 322-0886

January 29, 2008

Via: Federal Express

Carol Jansen, Treasurer
No on Measure C
575 Hawthorne Avenue
Palo Alto, CA 94301

NOTICE OF INTENT TO ENTER DEFAULT DECISION AND ORDER

Re: FPPC No. 02/103; No on Measure C and Carol Jansen

Dear Ms. Jansen:

Enclosed please find a courtesy copy of the Default Decision and Order, and accompanying Exhibit and attachments, in the above matter. The Fair Political Practices Commission will consider these papers at its public meeting on **February 14, 2008**, and decide whether to impose an administrative penalty in the amount of **\$30,000** or more against you.

We contacted you and James E. Kemp, the attorney who represented you in this matter for a period of time, on numerous occasions in an attempt to resolve this matter informally by way of a stipulated settlement. We were unable to settle this matter and you and Mr. Kemp were served a Report in Support of a Finding of Probable Cause, commonly known as a probable cause report, advising you of your right to request a probable cause conference or submit a written response to the probable cause report. You did not request a probable cause conference, nor did you submit anything in writing for the Commission's Executive Director to consider in his determination of probable cause.

Following the issuance of a Report in Support of a Finding of Probable Cause, the Commission's Executive Director found probable cause that you and the No on Measure C committee (the "Committee") committed ten violations of the Political Reform Act's campaign reporting provisions. Thereafter, the Executive Director issued an Accusation against you on the same ten violations. You were personally served with the Accusation on December 14, 2006. This has given you adequate notice of these proceedings and the action filed against you. Under the Administrative Procedure Act, you were required to file a Notice of Defense within 15 days after service of the Accusation, or by December 29, 2006. You failed to file the Notice of Defense form by that deadline. As such, your right to an administrative hearing on this matter has been forfeited, and you are in a default position.

At its public meeting on **February 14, 2008**, the Commission may impose an administrative penalty against you in the amount of **\$30,000**. However, the Commission may impose up to a maximum penalty of **\$50,000** against you for the ten violations.

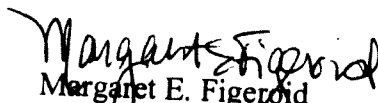
As the treasurer of the Committee you will be responsible for the administrative penalty that will be imposed at the February 14, 2008 meeting. Please be advised that administrative penalties for violations of the Political Reform Act cannot be discharged in bankruptcy proceedings. Following the issuance of the default order and imposition of the administrative penalty, we will convert the Commission's order to a court judgment, and commence collection proceedings against you.

This letter is your **last opportunity** to resolve this matter informally by way of a stipulated settlement, before the default proceedings are commenced. If we do not reach a resolution, the enclosed documents will be placed on the Commission's agenda for the February 14, 2008 meeting. Please contact me immediately if you wish to enter into a negotiated settlement.

Please be advised that you may appear at the Commission meeting on February 14, 2008, which commences at 10:00 a.m. in the 8th floor hearing room at the above address, and make a presentation regarding the default proceedings. Please contact me on or before February 12, 2008, if you decide to appear at the Commission meeting, so that I may inform the Executive Director of your appearance.

If you have any questions, you may contact me at (916) 322-8170.

Sincerely,


Margaret E. Figeroid
Commission Counsel
Enforcement Division

Enclosures

DECLARATION OF SANDRA BUCKNER
IN SUPPORT OF DEFAULT DECISION AND ORDER

I, Sandra Buckner, declare as follows:

1. I am over the age of 18 years, and am not a party to the within action. My business address is 428 J Street, Suite 620, Sacramento, California.

2. I am an Investigator III for the Enforcement Division of the Fair Political Practices Commission (the "Commission"), and have worked for the Commission since July 1989. I was the lead investigator handling the allegations that Respondents Carol Jansen ("Jansen") and No on Measure C ("Committee") did not identify Respondent Committee's sponsor, and include that sponsor's name in the name of the committee, when it filed its statement of organization with the East Palo Alto City Clerk's Office. As such, I am familiar with the evidence contained in Respondents' investigative file (FPPC No. 02/103), and can testify as stated herein of my own knowledge and belief.

3. On September 16, 2003, I interviewed Respondent Jansen at the Santa Clara County District Attorney's Office about various issues regarding her duties as treasurer of Respondent Committee in connection with her efforts to defeat Measure C in the March 5, 2002 election. Respondent Jansen told me that she was initially hired by John Anderson, owner of Anderson Honda, to do consulting work for him, and agreed to act as treasurer for Respondent Committee and run the campaign when Measure C was placed on the ballot. Respondent Jansen advised me that she received a \$10,000 contribution check from Anderson Honda for Respondent Committee on January 23, 2002, to open the committee bank account. Respondent Jansen further advised me that on February 7, 2002, she received four \$2,500 contribution checks for Respondent Committee from Anderson Honda, which she deposited as needed.

4. During the course of my investigation, I issued Subpoena Nos. 02/103-01 to Carol Jansen and 02/103-04 to Mid Peninsula Bank for Respondent Committee's bank account records for January 23, 2002 through June 30, 2004. In reviewing those records, I found that Respondent Committee received approximately \$49,878 in contributions and made approximately \$49,677 in expenditures in connection with the March 5, 2002 election. I also found that a \$10,000 contribution check dated January 23, 2002, from Anderson Honda was deposited into Respondent Committee's bank account on January 23, 2002,

1 and two \$2,500 contribution checks dated February 7, 2002, from Anderson Honda were deposited on
2 February 11, 2002, and February 12, 2002. Respondent Committee's bank records also revealed that the
3 remaining two \$2,500 contribution checks dated February 7, 2002, which Respondent Committee
4 received from Anderson Honda on February 7, 2002, were deposited into Respondent Committee's bank
5 account on February 26, 2002. Additionally, the bank records show a \$1,000 contribution check dated
6 February 1, 2002, from Roxy and Michelle Rapp was deposited into Respondent Committee's bank
7 account on February 4, 2002. According to Respondent Committee's bank account records, Respondent
8 Committee received a total of approximately \$21,000 in monetary contributions on or before February 8,
9 2002, \$20,000 of which was from Anderson Honda.

10 5. During the course of my investigation, I obtained copies of statements of organization for
11 Respondent Committee from the Secretary of State's Office dated January 30, 2002, and February 8,
12 2002, and from the East Palo Alto City Clerk's Office dated January 29, 2002. I verified that Carol
13 Jansen was listed as Respondent Committee's treasurer, and also established that no sponsor or sponsor
14 information was listed on any of the statements.

15 6. During the course of my investigation, I obtained from the Deputy City Clerk, City of East Palo
16 Alto, copies of various campaign statements and reports filed with the East Palo Alto City Clerk's
17 Office on behalf of Respondent Committee. I verified that Respondent Committee had filed a pre-
18 election campaign statement on February 22, 2002, for the pre-election reporting period from 1/20/02 to
19 2/16/02¹, and Respondents filed two late contribution reports, one on February 27, 2002, and one on
20 March 6, 2002.

21 7. As stated above in paragraph four, Respondent Committee's subpoenaed bank account records
22 revealed that a \$1,000 contribution check dated February 1, 2002, from Roxy and Michelle Rapp was
23 deposited into Respondent Committee's bank account on February 4, 2002. Additionally, Respondent
24 Committee's bank account records indicate that a \$2,000 contribution check dated February 14, 2002,
25 from Barry Rodenberg was deposited on February 15, 2002. My review of Respondent Committee's
26 pre-election campaign statement for the reporting period from 1/20/02 to 2/16/02 revealed that neither of
27

28 ¹ Respondent incorrectly listed the second pre-election reporting period as 1/22/02 to 2/16/02 on its pre-election campaign statement.

1 these contributions was disclosed in that pre-election statement. Nor did Respondents disclose on that
2 statement the two \$2,500 contribution checks Respondents received from Anderson Honda on February
3 7, 2002, which were subsequently deposited into Respondent Committee's bank account on February
4 26, 2002.

5 8. During the course of my investigation, I issued Subpoena No. 02/103-05 to Citibank to obtain
6 copies of the bank records of Carol Jansen dba Jansen Consulting. Upon review of these records, and
7 Respondent Committee's pre-election campaign statement for the reporting period from 1/20/02 to
8 2/16/02, I found that Respondent Committee received two non-monetary contributions from Carol
9 Jansen, dba Jansen Consulting in the form of two payments to Michael Rose in the amount of \$210,
10 which were also not reported in Respondent's pre-election campaign statement.

11 9. According to the filing schedule for the March 5, 2002 election provided by the Fair Political
12 Practices Commission Technical Assistance Division, the late contribution reporting period for the
13 March 5, 2002 election was February 17, 2002 through March 4, 2002. According to Respondent
14 Committee's bank records, on March 4, 2002, Respondents deposited a \$10,000 contribution check from
15 Anderson Honda and a \$5,000 contribution check from Jeffrey Rosen into Respondent Committee's
16 bank account. According to records maintained by the East Palo Alto City Clerk's Office, Respondents
17 filed a late contribution report on March 6, 2002, disclosing the receipt date of the two late contributions
18 as March 5, 2002.

19 10. My review of Respondent Committee's pre-election campaign statement for the reporting period
20 from 1/20/02 to 2/16/02 also revealed that Respondent Committee reported receiving five contributions
21 of \$100 or more from the following five individuals: David J. Mani, who contributed \$2,000; John
22 Garibaldi, who contributed \$2,500; William Tarr, who contributed \$2,500; John M. Tanaka, who
23 contributed \$1,500; and Peery Arrillaga, who contributed \$2,000. The pre-election campaign statement
24 reflects that Respondents failed to disclose required occupation and employer information for these five
25 contributors.

26 11. As stated above in paragraph nine, a \$5,000 contribution check from Jeffrey Rosen was
27 deposited into Respondent Committee's bank account on March 4, 2002, during the late contribution
28 reporting period, however the late contribution report was not filed with the East Palo Alto City Clerk's

1 Office until March 6, 2002. My review of this late contribution report revealed that Respondent
2 Committee reported receiving a \$5,000 contribution on March 5, 2002, from Jeffrey Rosen. The late
3 contribution report also reflects that Respondents failed to disclose required occupation and employer
4 information for this contributor.

5 12. As stated above in paragraphs 10 and 11, Respondents failed to report required occupation and
6 employer information for five contributors - individuals who donated \$100 or more to Respondent
7 Committee during the pre-election campaign reporting period from 1/20/02 to 2/16/02, and one
8 contributor - an individual who donated \$100 or more to Respondent Committee during the late
9 contribution reporting period. My inspection of Respondent Committee's records revealed that
10 Respondents did not maintain the occupation and employer information on file in its records for five of
11 the six contributors. Information was maintained for William Tarr. In addition, according to
12 Respondent Committee's bank records, Respondents did not return the five contributions to the
13 contributors within 60 days of receiving them, nor did they pay the contributions to the City.

14 13. During the course of my September 16, 2003, interview with Respondent Jansen, she informed
15 me that she hired Brian Burns for campaign consulting and services in connection with the March 5,
16 2002 election.

17 14. My review of Jansen Consulting's bank records revealed that six payments totaling \$9,898.23
18 were made to Brian Burns from Jansen Consulting's bank account for his services and expenses in
19 running the campaign. Four of those payments, totaling \$6,463.22, were made during the campaign
20 reporting period from 1/20/02 to 2/16/02, and the remaining two payments, totaling \$3,435.01 were
21 made during the post-election reporting period from 2/17/02 to 6/30/02. My review of Respondent
22 Committee's pre-election statement for the reporting period from 1/20/02 to 2/16/02 did not reveal any
23 information regarding expenditures to Brian Burns.

24 15. My review of Respondent Committee's bank account records revealed that Respondent Jansen
25 wrote checks from Respondent Committee's bank account to Jansen Consulting on the same dates and
26 for the same amounts as the payments she made to Brian Burns, except for the payment made to Jansen
27 Consulting on January 28, 2002, which was three dollars less than the payment made to Brian Burns on
28 that same day.

1 16. According to my review of Respondent Committee's records and bank account records,
2 Respondent Committee received approximately \$17,671 in contributions, \$1,402 in the form of non-
3 monetary contributions and \$16,629 in the form of monetary contributions, and made approximately
4 \$32,700 in expenditures during the reporting period from 2/17/02 to 6/30/02, and received
5 approximately \$520.35 in non-monetary contributions during the reporting period from 7/1/02 to
6 12/31/02. According to the records maintained by the East Palo Alto City Clerk, Respondents did not
7 file campaign statements for the reporting periods from 2/17/02 to 6/30/02, or from 7/1/02 to 12/31/02.

8 I declare under penalty of perjury under the laws of the State of California, that the foregoing is
9 true and correct.

10 Dated: 01/29/08
11

Sandra Buckner
Sandra Buckner
Investigator III, Enforcement Division
Fair Political Practices Commission